National Council

National President John Gordon President Elect Tom Goudkamp **ACT** Richard Faulks **NSW** Robert Whyburn

NT Michael Grove

QLD Ian Brown

SA Brendan Connell

TAS Kassie James

VIC Simon Garnett

WA Janet Van der Kolk

Branch Presidents

ACT John Little

NSW Robert Whyburn

NT Michael Grove

OLD Gerard Mullins

SA Brendan Connell

TAS Sandra Taglieri

VIC Simon Garnett

WA Brian Nugawela

Chief Executive Officer Eva Scheerlinck eva@apla.com.au

Member Services Officer Anna Munro amunro@apla.com.au

Marketing & Communications Manager

Lyndal Hayward lhayward@apla.com.au Business Manager Maggie Galley

mgalley@apla.com.au

Conference Manager Caroline Venn

cvenn@apla.com.au

Campaign Officer Thea Bray

tbray@apla.com.au

Legal & Policy Officer Kate Rowe

krowe@apla.com.au

Publications Officer Caroline Henning

chenning@apla.com.au

Personal Assistant Jake Kilby

jkilby@apla.com.au

Administration Assistant Lauren O'Donnell

lodonnell@apla.com.au

Managing Editor Kassie James kjames@pwb.com.au Phone: 03 6235 1111 **Editor** Caroline Henning chenning@apla.com.au Phone: 02 9698 1700 Design Tianli Zu tian@artstudiozz.com.au Front Cover Photo Bill Madden

This issue of Plaintiff is cited as (2003) 59 **PLAINTIFF. ISSN 1328-9330.**

© 2003 Australian Plaintiff Lawyers Association Ltd. ABN 96 086 880 499

AUSTRALIAN PLAINTIFF LAWYERS ASSOCIATION LTD PO Box 2348, Strawberry Hills NSW 2012 Australia

DX 22515 Surry Hills

Phone: 02 9698 1700 Fax: 02 9698 1744

Email: info@apla.com.au

Website: http://www.apla.com.au

PLAINTIFF is published bi-monthly by the Australian Plaintiff Lawyers Association, APLA. Contributors and advertisers are required to take note of the deadlines for copy and artwork for future editions. Copy should be received electronically (via email or on disk) and by hard copy. Send your

contributions to the above address.

Enquiries about membership, accessing or contributing to the APLA Expert Database and requests for general information should be directed to the

above address.

Disclaimer: Opinions expressed in Plaintiff do not necessarily reflect the official opinion of APLA. APLA accepts no responsibility for the accuracy of any of the opinions or information contained in Plaintiff and readers should rely on their own enquiries in making decisions touching their own interest.

Managing Editor's note

ince reading Brett Charrington's article on liability for golfing injuries in this edition I have commenced lobbying the Queensland government to reduce the limitation period there to 13 months which, coincidentally of course, is the period of time since I avoided a water hazard on what shall remain an unidentified Queensland golf course by bouncing the ball off the head of a ball-retrieval diver and onto the green.

No doubt you will all be relieved to hear that I am not taking my clubs to Coolum – you will be relieved from a personal injury perspective (although you should be safe if you stand on the green according to my husband, who only says this when I don't have a club in my hand) but also because it is most difficult to beat a person who plays off a handicap of 124.

Even more terrifying than me on a golf course is letting your client loose in the witness box. Many court rooms harbour a malevolent spirit who possesses a plaintiff upon their taking the oath, causing them to spew forth previously



undisclosed tidings concerning their criminal past or prior injuries or, if you are really lucky, a version of the circumstances in which they were injured which does not accord with the pleadings. But now, dybbuk beware, we have our own ghostbuster in the form of Gerry Mullins whose article 'Preparing the plaintiff for trial' is the first in a regular series on Advocacy Skills. I am hoping Gerry's next article will cover 'How to effect nonchalance while your no-win, no-pay case implodes' (I favour the fake yawn and examining the fingernails but do be careful not to overplay it).

Finally, thank you to those who completed the member survey and gave feedback as to this journal. Please keep the feedback coming, particularly suggestions as to article topics or authors. I know many of you indicated in the membership survey that you were prepared to write articles for Plaintiff. Unfortunately we are hamstrung by privacy legislation from utilising that information so if you could approach me, or Caroline Henning, with your hand up we would be most grateful.

Hope to see you at Coolum.

KASSIE JAMES, TAS

APLA gratefully acknowledges the assistance with diving images provided by Sydney International Aquatic Centre, Chava Sobrino (Head Coach Diving - NSW Institute of Sport) and divers Karen Milford, Kathryn Blackshaw & Peter Hill.